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Attorneys for Defendant
National Railroad Passenger Corporation

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JENEEN MACK,	X
	: Civil Action No.: 02-3850
Plaintiff,	:
	:
v.	:
	:
NATIONAL RAILROAD PASSENGER	: DEFENDANT'S ANSWER TO
CORPORATION,	: PLAINTIFF'S COMPLAINT,
	: AFFIRMATIVE DEFENSES AND JURY
Defendant.	: DEMAND
	X

Defendant National Railroad Passenger Corporation ("Amtrak"),
by way of Answer to plaintiff's Complaint, says:

1. Defendant Amtrak lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.

2. Defendant Amtrak lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2, except admits Amtrak is a common carrier by rail, operating in interstate commerce and doing business in Pennsylvania.

3. Defendant Amtrak lacks knowledge or information sufficient to form a belief as to the truth of the allegations

contained in Paragraph 3, except admits, at certain times, plaintiff was employed by Amtrak.

4. Defendant Amtrak denies the allegations contained in Paragraph 4.

5. Defendant Amtrak denies the allegations contained in Paragraph 5.

6. Defendant Amtrak denies the allegations contained in Paragraph 6.

7. Defendant Amtrak denies the allegations contained in Paragraph 7 (a-f).

8. Defendant Amtrak denies the allegations contained in Paragraph 8.

9. Defendant Amtrak denies the allegations contained in Paragraph 9.

WHEREFORE, defendant Amtrak demands judgment against plaintiff dismissing the complaint and awarding its costs of suit, attorneys' fees and such other relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Any damages, losses, or injuries sustained by the plaintiff were caused by the acts and/or omissions of persons or entities other than this defendant and over whom this defendant exercised no control.

THIRD AFFIRMATIVE DEFENSE

Any claims which plaintiff may have against the answering defendant are barred, or alternatively, must be reduced by virtue of the doctrine of comparative negligence.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate her damages.

FIFTH AFFIRMATIVE DEFENSE

Any injuries suffered by Plaintiff were caused solely by her own negligence and not by any negligence on the part of Amtrak.

SIXTH AFFIRMATIVE DEFENSE

Damages, if any, must be diminished by the collateral source rule.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's cause of action is barred by the principles of res judicata, collateral estoppel and/or judicial estoppel.

JURY DEMAND

Defendant Amtrak hereby demands a trial by jury of all issues of so triable.

LANDMAN CORSI BALLAINE & FORD
Attorneys for Defendant
National Railroad Passenger Corp.

By: _____
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Dated: August 8, 2002

CERTIFICATION

I hereby certify that the matter in controversy in this action is not known to me to be the subject of another action pending in a court of competent jurisdiction.

LANDMAN CORSI BALLAINE & FORD
Attorneys for Defendant
National Railroad Passenger Corp.

By: _____

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Dated: July 26, 2002